

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:  
Case No. 18-op-45459-DAP

THE MUSCOGEE (CREEK) NATION,

Plaintiffs,

vs.

PURDUE PHARMA, L.P. et al.,

Defendants.

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**ANDA DEFENDANTS' ANSWER TO  
FIRST AMENDED COMPLAINT**

Defendants Anda Pharmaceuticals, Inc. and Anda, Inc. (together, “Anda”) hereby answer Plaintiff The Muscogee (Creek) Nation’s First Amended Complaint (“FAC”) as follows:

**PRELIMINARY STATEMENT**

Though the FAC purports to be directed to Anda, it improperly refers to “Defendants” (presumably meaning other, unrelated pharmaceutical companies named in the FAC), and/or third parties on a collective basis, failing to plead with requisite particularity the allegations against Anda individual. This is insufficient to apprise Anda of the allegations asserted against it and conduct, statements, documents, or other information attributed to Defendants on a collective basis are not attributable to Anda specifically and do not plead a case against Anda with the specificity required by the Federal Rules of Civil Procedure. Anda nevertheless has endeavored to respond to Plaintiffs’ allegations to the extent possible.

To the extent the FAC’s allegations refer to the knowledge, conduct, or actions of other persons or entities, Anda is generally without knowledge or information sufficient to form a belief as to the truth of those allegations and, on that basis, generally and specifically denies all such allegations. Anda states that it is answering Plaintiffs’ allegations solely on behalf of itself, even when the allegations collectively refer to alleged conduct by Defendants and other persons or entities.

The FAC also contains purported quotations from a number of sources, some of which are unidentified. In answering allegations consisting of quoted or paraphrased language, Anda’s failure to specifically deny that the language quoted or paraphrased was contained in a document or uttered by the person or entity to which it is attributed, or Anda’s reference to the full document instead of the quoted or paraphrased language shall not constitute an admission that the substantive content of the source(s) quoted or paraphrased is or is not true, or that the material is relevant or admissible in this action.

Anda denies each and every allegation contained in the FAC, except as specifically admitted herein, and any factual allegation admitted herein is admitted only as to the specific facts alleged and not as to any conclusions, characterizations, implications, innuendos, or speculation contained in any allegation or in the FAC as a whole. Moreover, Anda specifically denies any allegations contained in headings, footnotes, or unnumbered paragraphs in the FAC.

These comments and objections are incorporated, to the extent appropriate, into each numbered paragraph of this Answer.

### **ANSWER**

Now answering the allegations and averments of the FAC paragraph by paragraph, Anda states as follows:

The unnumbered paragraph purports to be a characterization of Plaintiff's claims, identification of parties and contains statements of opinion to which no response is required. To the extent a response is required, Anda denies each and every allegation contained in the unnumbered paragraph that pertains to Anda.

### **INTRODUCTION**

1. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 and, therefore, denies them.

2. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 and, therefore, denies them.

3. To the extent the allegations contained in paragraph 3 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies

them. Anda denies each and every remaining allegation contained in paragraph 3 that pertains to Anda.

4. The allegations contained in paragraph 4 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

5. To the extent the allegations contained in paragraph 5 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 5 that pertains to Anda.

6. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 and, therefore, denies them.

7. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 and, therefore, denies them.

8. To the extent the allegations contained in paragraph 8 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 8 that pertains to Anda.

9. To the extent the allegations contained in paragraph 9 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda admits that Anda, Inc. and Anda Pharmaceuticals, Inc. are licensed distributors of,

among other things, prescription opioids in the United States. Anda denies each and every remaining allegation contained in paragraph 9 that pertains to Anda.

10. The allegations contained in paragraph 10 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

11. To the extent the allegations contained in paragraph 11 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 11 that pertains to Anda.

12. The allegations contained in paragraph 12 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda and Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

13. The allegations contained in paragraph 13 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Further, to the extent the allegations contained in paragraph 13 purport to quote from, summarize or characterize documents or other data, the documents/data speak for themselves, and all characterizations thereof are denied.

14. To the extent the allegations contained in paragraph 14 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies

them. Anda denies each and every remaining allegation contained in paragraph 14 that pertains to Anda.

15. To the extent the allegations contained in paragraph 15 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 15 that pertains to Anda.

16. The allegations contained in paragraph 16 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

17. The allegations contained in paragraph 17 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

18. To the extent the allegations contained in paragraph 18 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 18 that pertains to Anda.

19. The allegations contained in paragraph 19 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

20. To the extent the allegations contained in paragraph 20 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge

or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 20 that pertains to Anda.

21. The allegations contained in paragraph 21 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

22. To the extent the allegations contained in paragraph 22 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 22 that pertains to Anda.

23. The allegations contained in paragraph 23 consist of a characterization of Plaintiff's claims, and legal conclusions to which no response is required. To the extent a response is required, Anda denies all allegations contained in paragraph 23 that pertain to Anda.

24. The allegations contained in paragraph 24 consist of a characterization of Plaintiff's claims, and legal conclusions to which no response is required. To the extent a response is required, Anda denies all allegations contained in paragraph 24 that pertain to Anda.

## **PARTIES**

### **I. PLAINTIFF**

25. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 and, therefore, denies them.

26. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26 and, therefore, denies them.

27. The allegations contained in paragraph 27 consist of a characterization of Plaintiff's claims, and legal conclusions to which no response is required. To the extent is a response is required, Anda denies all allegations contained in paragraph 27 that pertain to Anda.

## **II. DEFENDANTS**

28-54. The allegations contained in paragraphs 28-54 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

55. Anda admits that Anda Pharmaceuticals, Inc. is a distributor of, among other things, prescription opioids in the United States and, during the time period at issue, within the State of Oklahoma. Anda admits that Anda Pharmaceuticals, Inc. is a Florida corporation with its principal place of business in Mississippi. Anda denies each and every remaining allegation contained in paragraph 55 that pertains to Anda.

56. Anda admits that Anda, Inc. is a distributor of, among other things, prescription opioids in the United States and, during the time period at issue, within the State of Oklahoma. Anda admits that Anda, Inc. is a Florida corporation with its principal place of business in Florida. Anda denies each and every remaining allegation contained in paragraph 55 that pertains to Anda.

57-61. The allegations contained in paragraphs 57-61 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

62. To the extent the allegations contained in paragraph 62 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 62 consist of legal conclusions, no

response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 62 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 62 that pertains to Anda.

63-92. The allegations contained in paragraphs 63-92 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

#### **JURISDICTION AND VENUE**

93. The allegations contained in paragraph 93 consist of legal conclusions to which to no response is required. To the extent is a response is required, Anda denies all allegations contained in paragraph 93 that pertain to Anda.

94. The allegations contained in paragraph 94 consist of legal conclusions to which to no response is required. To the extent is a response is required, Anda admits that Anda, Inc. and Anda Pharmaceuticals, Inc. are distributors of, among other things, prescription opioids in the United States and, during the time period at issue, within the State of Oklahoma. Anda denies all remaining allegations contained in paragraph 94 that pertain to Anda.

95. The allegations contained in paragraph 95 consist of legal conclusions to which to no response is required. To the extent is a response is required, Anda denies all allegations contained in paragraph 95 that pertain to Anda.

#### **FACTUAL BACKGROUND**

96. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 96 and, therefore, denies them.

97. To the extent the allegations contained in paragraph 97 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 97 that pertain to Anda. Anda admits that there are statutes and regulations

that relate to the distribution of controlled substances, which statutes and regulations speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 97 that pertains to Anda.

98. To the extent the allegations contained in paragraph 98 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 98 that pertains to Anda.

99. The allegations contained in paragraph 99 consist of legal conclusions to which to no response is required. To the extent is a response is required, Anda denies all allegations contained in paragraph 99 that pertain to Anda.

100. To the extent the allegations contained in paragraph 100 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 100 that pertain to Anda. Further, to the extent that paragraph 100 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 100 that pertains to Anda.

101. The allegations contained in paragraph 101 consist of legal conclusions to which to no response is required. To the extent is a response is required, Anda denies all allegations contained in paragraph 101 that pertain to Anda.

102-161. The allegations contained in paragraphs 102-161 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

162. The allegations contained in paragraph 162 consist of legal conclusions to which no response is required. To the extent is a response is required, Anda denies all allegations contained in paragraph 162 that pertain to Anda.

163. To the extent the allegations contained in paragraph 163 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 163 that pertain to Anda. Further, to the extent that paragraph 163 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 163 that pertains to Anda.

164. To the extent the allegations contained in paragraph 164 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 164 that pertain to Anda. Anda admits that there are statutes and regulations that relate to the distribution of controlled substances, which statutes and regulations speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 164 that pertains to Anda.

165. To the extent the allegations contained in paragraph 165 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 165 that pertain to Anda. Further, to the extent that paragraph 165 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 165 that pertains to Anda.

166. To the extent the allegations contained in paragraph 166 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such

allegations contained in paragraph 166 that pertain to Anda. Anda admits that there are statutes and regulations that relate to the distribution of controlled substances, which statutes and regulations speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 166 that pertains to Anda.

167. To the extent the allegations contained in paragraph 167 consist of legal conclusions, no response is required. To the extent a response is required, Anda denies all such allegations contained in paragraph 167 that pertain to Anda. Anda admits that there are statutes and regulations that relate to the distribution of controlled substances, which statutes and regulations speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 167 that pertains to Anda.

168. To the extent the allegations contained in paragraph 168 consist of legal conclusions, no response is required. To the extent a response is required, Anda denies all such allegations contained in paragraph 168 that pertain to Anda. Anda admits that there are statutes and regulations that relate to the distribution of controlled substances, which statutes and regulations speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 168 that pertains to Anda.

169. To the extent the allegations contained in paragraph 169 consist of legal conclusions, no response is required. To the extent a response is required, Anda denies all such allegations contained in paragraph 169 that pertain to Anda. Anda admits that there are statutes and regulations that relate to the distribution of controlled substances, which statutes and regulations speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 169 that pertains to Anda.

170-177. The allegations contained in paragraphs 170-177 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

178-185. To the extent the allegations contained in paragraphs 178-185 consist of legal conclusions, no response is required. To the extent a response is required, Anda denies all such allegations contained in paragraphs 178-185 that pertain to Anda. Anda admits that there are statutes and regulations that relate to the distribution of controlled substances, which statutes and regulations speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraphs 178-185 that pertains to Anda.

186-199. The allegations contained in paragraphs 186-199 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

200. To the extent the allegations contained in paragraph 200 consist of legal conclusions, no response is required. To the extent a response is required, Anda denies all such allegations contained in paragraph 200 that pertain to Anda. Further, to the extent that paragraph 200 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. To the extent the allegations rely on unnamed and unidentified “instructions,” paragraph 200 is vague and ambiguous. Because paragraph 200 does not identify what “instructions” it is referring to, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 200 that pertains to Anda.

201. To the extent the allegations contained in paragraph 201 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Further, to the extent the allegations contained in paragraph 201 purport to quote from, summarize or characterize documents, the documents speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 201 that pertains to Anda.

202. To the extent the allegations contained in paragraph 202 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Further, to the extent the allegations contained in paragraph 202 purport to quote from, summarize or characterize documents, the documents speak for themselves, and all characterizations thereof are denied. Anda admits that DEA has, during the relevant time period, held conferences, business meetings and other events, some of which were attended by Anda employees, concerning issues relating to diversion. To the extent the allegations rely on unnamed and unidentified “briefings,” paragraph 202 is vague and ambiguous. Because paragraph 202 does not identify what “briefings” it is referring to, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 202 that pertains to Anda.

203. To the extent the allegations contained in paragraph 203 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Further, to the extent the allegations contained in paragraph 203 purport to quote from,

summarize or characterize documents, the documents speak for themselves, and all characterizations thereof are denied. Anda admits that DEA has, during the relevant time period, held conferences, business meetings and other events, some of which were attended by Anda employees, concerning issues relating to diversion. Anda denies each and every remaining allegation contained in paragraph 203 that pertains to Anda.

204. To the extent the allegations contained in paragraph 204 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Further, to the extent the allegations contained in paragraph 204 purport to quote from, summarize or characterize documents, the documents speak for themselves, and all characterizations thereof are denied. Anda admits that DEA has, during the relevant time period, held conferences, business meetings and other events, some of which were attended by Anda employees, concerning issues relating to diversion. To the extent the allegations rely on unnamed and unidentified “conferences,” paragraph 204 is vague and ambiguous. Because paragraph 204 does not identify what “conferences” it is referring to, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 204 that pertains to Anda.

205. To the extent the allegations contained in paragraph 205 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Further, to the extent the allegations contained in paragraph 205 purport to quote from, summarize or characterize documents, the documents speak for themselves, and all

characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 205 that pertains to Anda.

206. To the extent the allegations contained in paragraph 206 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Further, to the extent the allegations contained in paragraph 206 purport to quote from, summarize or characterize documents, the documents speak for themselves, and all characterizations thereof are denied. Anda admits that during the time period relevant to this action, it was a member of HDA. Anda denies each and every remaining allegation contained in paragraph 206 that pertains to Anda.

207. To the extent the allegations contained in paragraph 207 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Further, to the extent the allegations contained in paragraph 207 purport to quote from, summarize or characterize documents, the documents speak for themselves, and all characterizations thereof are denied.

208. To the extent the allegations contained in paragraph 208 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Further, to the extent the allegations contained in paragraph 208 purport to quote from, summarize or characterize documents, the documents speak for themselves, and all characterizations thereof are denied. Anda admits that during the time period relevant to this

action, it was a member of HDA. Anda denies each and every remaining allegation contained in paragraph 208 that pertains to Anda.

209. The allegations contained in paragraph 209 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

210. The allegations contained in paragraph 210 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

211. To the extent the allegations contained in paragraph 211 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 211 that pertains to Anda.

212. To the extent the allegations contained in paragraph 212 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 212 consist of legal conclusions, no response is required. To the extent a response is required, Anda denies all such allegations contained in paragraph 212 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 212 that pertains to Anda.

213-229. The allegations contained in paragraphs 213-229 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

230. To the extent the allegations contained in paragraph 230 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 230 that pertains to Anda.

231. To the extent the allegations contained in paragraph 231 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 231 that pertains to Anda.

232. To the extent the allegations contained in paragraph 232 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 232 that pertains to Anda.

233. To the extent the allegations contained in paragraph 233 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 233 that pertains to Anda.

234. To the extent the allegations contained in paragraph 234 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies

them. To the extent the allegations contained in paragraph 234 consist of legal conclusions, no response is required. To the extent a response is required, Anda denies all such allegations contained in paragraph 234 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 234 that pertains to Anda.

235. To the extent the allegations contained in paragraph 235 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 235 that pertains to Anda.

236. To the extent the allegations contained in paragraph 236 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 236 that pertains to Anda.

237-262. The allegations contained in paragraphs 237-262 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

263. To the extent the allegations contained in paragraph 263 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 263 that pertains to Anda.

264-273. The allegations contained in paragraphs 264-273 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

274. To the extent the allegations contained in paragraph 274 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 274 consist of legal conclusions, no response is required. To the extent a response is required, Anda denies all such allegations contained in paragraph 274 that pertain to Anda. Further, to the extent that paragraph 274 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 274 that pertains to Anda.

275. To the extent the allegations contained in paragraph 275 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 275 that pertains to Anda.

276. To the extent the allegations contained in paragraph 276 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 276 that pertains to Anda.

277. To the extent the allegations contained in paragraph 277 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 277 that pertains to Anda.

278. To the extent the allegations contained in paragraph 278 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 278 that pertains to Anda.

279. To the extent the allegations contained in paragraph 279 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 279 that pertains to Anda.

280. To the extent the allegations contained in paragraph 280 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 280 that pertains to Anda.

281. To the extent the allegations contained in paragraph 281 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies

them. Anda denies each and every remaining allegation contained in paragraph 281 that pertains to Anda.

282. To the extent the allegations contained in paragraph 282 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 282 that pertains to Anda.

283. To the extent the allegations contained in paragraph 283 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 283 that pertains to Anda.

284. The allegations contained in paragraph 284 consist of legal conclusions to which no response is required. To the extent a response is required, Anda denies all allegations contained in paragraphs 284 that pertain to Anda.

285-293. The allegations contained in paragraphs 285-293 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

294. To the extent the allegations contained in paragraph 294 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 294 that pertains to Anda.

295. To the extent the allegations contained in paragraph 295 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 295 that pertains to Anda.

296-328. The allegations contained in paragraphs 296-328 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

329. To the extent the allegations contained in paragraph 329 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 329 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 329 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 329 that pertains to Anda.

330. To the extent the allegations contained in paragraph 330 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 330 that pertains to Anda.

331. To the extent the allegations contained in paragraph 331 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 331 that pertain to Anda. Anda admits that there are statutes

and regulations that relate to the distribution of controlled substances, which statutes and regulations speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 331 that pertains to Anda.

332. To the extent the allegations contained in paragraph 332 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 332 that pertains to Anda.

333. To the extent the allegations contained in paragraph 333 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 333 that pertains to Anda.

334. To the extent the allegations contained in paragraph 334 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 334 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 334 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 334 that pertains to Anda.

335. To the extent the allegations contained in paragraph 335 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 335 that pertain to Anda. Anda admits that there are statutes

and regulations that relate to the distribution of controlled substances, which statutes and regulations speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 335 that pertains to Anda.

336. To the extent the allegations contained in paragraph 336 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 336 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 336 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 336 that pertains to Anda.

337. To the extent the allegations contained in paragraph 337 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 337 that pertains to Anda.

338. To the extent the allegations contained in paragraph 338 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 338 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 338 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 338 that pertains to Anda.

339. To the extent the allegations contained in paragraph 339 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 339 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 339 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 339 that pertains to Anda.

340. To the extent the allegations contained in paragraph 340 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 340 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 340 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 340 that pertains to Anda.

341. To the extent the allegations contained in paragraph 341 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 341 that pertains to Anda.

342. To the extent the allegations contained in paragraph 342 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies

them. Anda denies each and every remaining allegation contained in paragraph 342 that pertains to Anda.

343. To the extent the allegations contained in paragraph 343 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 343 that pertains to Anda.

344. To the extent the allegations contained in paragraph 344 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 344 consist of legal conclusions, no response is required. To the extent a response is required, Anda denies all such allegations contained in paragraph 344 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 344 that pertains to Anda.

345. To the extent the allegations contained in paragraph 345 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 345 that pertains to Anda.

346. To the extent the allegations contained in paragraph 346 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 346 consist of legal conclusions, no

response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 346 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 346 that pertains to Anda.

347. To the extent the allegations contained in paragraph 347 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 347 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 347 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 347 that pertains to Anda.

348. To the extent the allegations contained in paragraph 348 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 348 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 348 that pertain to Anda. Further, to the extent that paragraph 348 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 348 that pertains to Anda.

349. To the extent the allegations contained in paragraph 349 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 349 consist of legal conclusions, no

response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 349 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 349 that pertains to Anda.

350. To the extent the allegations contained in paragraph 350 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 350 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 350 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 350 that pertains to Anda.

351. To the extent the allegations contained in paragraph 351 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 351 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 351 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 351 that pertains to Anda.

352. To the extent the allegations contained in paragraph 352 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 352 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 352 that pertain to Anda. Further, to the extent that paragraph 352 purports

to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 352 that pertains to Anda.

**COUNT I**

**VIOLATION OF RICO, 18 U.S.C. § 1961 *et seq.***  
**OPIOID MARKETING ENTERPRISE**  
**(Against the Marketing Manufacturer Defendants)**

353. Anda realleges and incorporates by reference its responses to the allegations contained in paragraphs 1-352 of the Complaint.

354-379. The allegations contained in paragraphs 354-379 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, and Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

**COUNT II**

**VIOLATION OF RICO, 18 U.S.C. § 1961 *et seq.***  
**OPIOID SUPPLY CHAIN ENTERPRISE**  
**(Against All Defendants)**

380. Anda realleges and incorporates by reference its responses to the allegations contained in paragraphs 1-379 of the Complaint.

381. To the extent the allegations contained in paragraph 381 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 381 consist of legal conclusions, no response is required. To the extent a response is required, Anda denies all such allegations contained in paragraph 381 that pertain to Anda. Further, to the extent that paragraph 381 purports to be based on statutes, regulations and/or government publications, those statutes, regulations,

and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 381 that pertains to Anda.

382. To the extent the allegations contained in paragraph 382 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 382 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 382 that pertain to Anda. Further, to the extent that paragraph 381 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 382 that pertains to Anda.

383. To the extent the allegations contained in paragraph 383 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 383 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 383 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 383 that pertains to Anda.

384. To the extent the allegations contained in paragraph 384 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 384 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations

contained in paragraph 384 that pertain to Anda. Anda admits that during the time period relevant to this action, it was a member of HDA. Anda denies each and every remaining allegation contained in paragraph 384 that pertains to Anda.

385. To the extent the allegations contained in paragraph 385 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 385 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 385 that pertain to Anda. Further, to the extent that paragraph 385 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 385 that pertains to Anda.

386. To the extent the allegations contained in paragraph 386 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 386 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 386 that pertain to Anda. Further, to the extent that paragraph 386 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 386 that pertains to Anda.

387. To the extent the allegations contained in paragraph 387 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge

or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 387 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 387 that pertain to Anda. Further, to the extent that paragraph 387 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 387 that pertains to Anda.

388. To the extent the allegations contained in paragraph 388 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 388 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 388 that pertain to Anda. Further, to the extent that paragraph 388 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 388 that pertains to Anda.

389. To the extent the allegations contained in paragraph 389 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 389 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 389 that pertain to Anda. Further, to the extent that paragraph 389 purports to be based on statutes, regulations and/or government publications, those statutes, regulations,

and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 389 that pertains to Anda.

390. To the extent the allegations contained in paragraph 390 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 390 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 390 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 390 that pertains to Anda.

391. To the extent the allegations contained in paragraph 391 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 391 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 391 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 391 that pertains to Anda.

392. To the extent the allegations contained in paragraph 392 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 392 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 392 that pertain to Anda. Further, to the extent that paragraph 392 purports to be based on statutes, regulations and/or government publications, those statutes, regulations,

and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 392 that pertains to Anda.

393. To the extent the allegations contained in paragraph 393 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 393 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 393 that pertain to Anda. Further, to the extent that paragraph 393 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 393 that pertains to Anda.

394. To the extent the allegations contained in paragraph 394 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 394 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 394 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 394 that pertains to Anda.

395. To the extent the allegations contained in paragraph 395 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 395 that pertains to Anda.

396. To the extent the allegations contained in paragraph 396 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 396 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 396 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 396 that pertains to Anda.

397. To the extent the allegations contained in paragraph 397 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 397 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 397 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 397 that pertains to Anda.

398. To the extent the allegations contained in paragraph 398 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 398 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 398 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 398 that pertains to Anda.

399. To the extent the allegations contained in paragraph 399 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge

or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 399 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 399 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 399 that pertains to Anda.

400. To the extent the allegations contained in paragraph 400 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 400 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 400 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 400 that pertains to Anda.

401. To the extent the allegations contained in paragraph 401 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 401 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 401 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 401 that pertains to Anda.

402. To the extent the allegations contained in paragraph 402 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 402 consist of legal conclusions, no

response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 402 that pertain to Anda. Further, to the extent that paragraph 402 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 402 that pertains to Anda.

403. To the extent the allegations contained in paragraph 403 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 403 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 403 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 403 that pertains to Anda.

404. To the extent the allegations contained in paragraph 404 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 404 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 404 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 404 that pertains to Anda.

405. To the extent the allegations contained in paragraph 405 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies

them. Anda denies each and every remaining allegation contained in paragraph 405 that pertains to Anda.

406. To the extent the allegations contained in paragraph 406 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 406 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 406 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 406 that pertains to Anda.

407. To the extent the allegations contained in paragraph 407 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 407 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 407 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 407 that pertains to Anda.

408. To the extent the allegations contained in paragraph 408 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 408 that pertain to Anda.

**COUNT III**

**LANHAM ACT  
(Against All Defendants)**

409. Anda realleges and incorporates by reference its responses to the allegations contained in paragraphs 1-408 of the Complaint.

410. To the extent the allegations contained in paragraph 410 consist of legal conclusions, no response is required. To the extent a response is required, Anda denies all such allegations contained in paragraph 410 that pertain to Anda. Further, to the extent that paragraph 410 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraphs 410 that pertains to Anda.

411. To the extent the allegations contained in paragraph 411 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraphs 411 that pertains to Anda.

412. To the extent the allegations contained in paragraph 412 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraphs 412 that pertains to Anda.

413. To the extent the allegations contained in paragraph 413 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraphs 413 that pertains to Anda.

414. To the extent the allegations contained in paragraph 414 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge

or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraphs 414 that pertains to Anda.

415. To the extent the allegations contained in paragraph 415 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 415 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 415 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 415 that pertains to Anda.

416. To the extent the allegations contained in paragraph 416 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraphs 416 that pertains to Anda.

417. To the extent the allegations contained in paragraph 417 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraphs 417 that pertains to Anda.

418. The allegations contained in paragraph 418 consist of a summary of Plaintiffs' claims to which no response is required. To the extent is a response is required, Anda denies all allegations contained in paragraph 418 that pertain to Anda. To the extent the allegations contained

in paragraph 418 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 418 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 418 that pertains to Anda.

**COUNT IV**

**NUISANCE  
(Against Marketing Manufacturer Defendants)**

419. Anda realleges and incorporates by reference its responses to the allegations contained in paragraphs 1-418 of the Complaint.

420-432. The allegations contained in paragraphs 420-432 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, and Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

**COUNT V**

**NEGLIGENCE AND NEGLIGENCE PER SE  
(Against Marketing Manufacturer Defendants)**

433. Anda realleges and incorporates by reference its responses to the allegations contained in paragraphs 1-432 of the Complaint.

434-445. The allegations contained in paragraphs 434-445 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, and Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

**COUNT VI**

**UNJUST ENRICHMENT  
(Against Marketing Manufacturer Defendants)**

446. Anda realleges and incorporates by reference its responses to the allegations contained in paragraphs 1-445 of the Complaint.

447-450. The allegations contained in paragraphs 447-450 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, and Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

**COUNT VII**

**NUISANCE  
(Against Diversion Defendants)**

451. Anda realleges and incorporates by reference its responses to the allegations contained in paragraphs 1-450 of the Complaint.

452. To the extent the allegations contained in paragraph 452 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 452 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 452 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 452 that pertains to Anda.

453. To the extent the allegations contained in paragraph 453 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 453 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 453 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 453 that pertains to Anda.

454. To the extent the allegations contained in paragraph 454 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge

or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 454 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 454 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 454 that pertains to Anda.

455. To the extent the allegations contained in paragraph 455 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 455 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 455 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 455 that pertains to Anda.

456. To the extent the allegations contained in paragraph 456 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 456 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 456 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 456 that pertains to Anda.

457. To the extent the allegations contained in paragraph 457 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 457 consist of legal conclusions, no

response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 457 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 457 that pertains to Anda.

458. Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 458 and, therefore, denies them.

459. To the extent the allegations contained in paragraph 459 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraphs 459 that pertains to Anda.

460. To the extent the allegations contained in paragraph 460 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 460 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 460 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 460 that pertains to Anda.

461. To the extent the allegations contained in paragraph 461 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 461 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations

contained in paragraph 461 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 461 that pertains to Anda.

462. To the extent the allegations contained in paragraph 462 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraphs 462 that pertains to Anda.

463. To the extent the allegations contained in paragraph 463 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 463 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 463 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 463 that pertains to Anda.

464. To the extent the allegations contained in paragraph 464 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 464 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 464 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 464 that pertains to Anda.

## **COUNT VIII**

### **NEGLIGENCE AND NEGLIGENCE PER SE (Against Diversion Defendants)**

465. Anda realleges and incorporates by reference its responses to the allegations contained in paragraphs 1-464 of the Complaint.

466. To the extent the allegations contained in paragraph 466 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 466 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 466 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 466 that pertains to Anda.

467. To the extent the allegations contained in paragraph 467 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 467 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 467 that pertain to Anda. Further, to the extent that paragraph 467 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 467 that pertains to Anda.

468. To the extent the allegations contained in paragraph 468 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies

them. To the extent the allegations contained in paragraph 468 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 468 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 468 that pertains to Anda.

469. To the extent the allegations contained in paragraph 469 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 469 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 469 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 469 that pertains to Anda.

470. To the extent the allegations contained in paragraph 470 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraphs 470 that pertains to Anda.

471. To the extent the allegations contained in paragraph 471 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 471 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 471 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 471 that pertains to Anda.

472. To the extent the allegations contained in paragraph 472 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 472 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 472 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 472 that pertains to Anda.

473. To the extent the allegations contained in paragraph 473 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 473 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 473 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 473 that pertains to Anda.

474. To the extent the allegations contained in paragraph 474 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 474 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 474 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 474 that pertains to Anda.

475. To the extent the allegations contained in paragraph 475 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge

or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 475 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 475 that pertain to Anda. Further, to the extent that paragraph 475 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 475 that pertains to Anda.

476. To the extent the allegations contained in paragraph 476 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 476 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 476 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 476 that pertains to Anda.

477. To the extent the allegations contained in paragraph 477 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 477 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 477 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 477 that pertains to Anda.

478. The allegations contained in paragraph 478 consist of a summary of Plaintiffs' claims to which no response is required. To the extent is a response is required, Anda denies all

allegations contained in paragraph 478 that pertain to Anda. To the extent the allegations contained in paragraph 478 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 478 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 478 that pertains to Anda.

## **COUNT IX**

### **UNJUST ENRICHMENT (Against Diversion Defendants)**

479. Anda realleges and incorporates by reference its responses to the allegations contained in paragraphs 1-478 of the Complaint.

480. To the extent the allegations contained in paragraph 480 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraphs 480 that pertains to Anda.

481. To the extent the allegations contained in paragraph 481 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraphs 481 that pertains to Anda.

482. To the extent the allegations contained in paragraph 482 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 482 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations

contained in paragraph 482 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 482 that pertains to Anda.

483. To the extent the allegations contained in paragraph 483 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraphs 483 that pertains to Anda.

484. To the extent the allegations contained in paragraph 484 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 484 consist of legal conclusions, no response is required. To the extent a response is required, Anda denies all such allegations contained in paragraph 484 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraphs 484 that pertains to Anda.

**COUNT X**

**CIVIL CONSPIRACY  
(Against All Defendants)**

485. Anda realleges and incorporates by reference its responses to the allegations contained in paragraphs 1-484 of the Complaint.

486. The allegations contained in paragraph 486 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, and Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them.

487. To the extent the allegations contained in paragraph 487 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge

or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 487 consist of legal conclusions, no response is required. To the extent a response is required, Anda denies all such allegations contained in paragraph 487 that pertain to Anda. Further, to the extent that paragraph 487 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 487 that pertains to Anda.

488. To the extent the allegations contained in paragraph 488 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 488 that pertains to Anda.

489. To the extent the allegations contained in paragraph 489 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 489 that pertains to Anda.

490. To the extent the allegations contained in paragraph 490 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. Anda denies each and every remaining allegation contained in paragraph 490 that pertains to Anda.

491. To the extent the allegations contained in paragraph 491 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 491 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 491 that pertain to Anda. Further, to the extent that paragraph 491 purports to be based on statutes, regulations and/or government publications, those statutes, regulations, and/or publications speak for themselves, and all characterizations thereof are denied. Anda denies each and every remaining allegation contained in paragraph 491 that pertains to Anda.

492. To the extent the allegations contained in paragraph 492 refer to the knowledge, conduct, or actions of persons, entities, or Defendants other than Anda, Anda is without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them. To the extent the allegations contained in paragraph 492 consist of legal conclusions, no response is required. To the extent is a response is required, Anda denies all such allegations contained in paragraph 492 that pertain to Anda. Anda denies each and every remaining allegation contained in paragraph 492 that pertains to Anda.

493. The allegations contained in paragraph 493 consist of legal conclusions to which to no response is required. To the extent is a response is required, Anda denies all allegations contained in paragraph 493 that pertain to Anda.

#### **AFFIRMATIVE DEFENSES**

Pursuant to Fed. R. Civ. P. 8(c), Anda hereby set forth the following affirmative defenses and reserve the right to raise additional affirmative defenses based on information learned through discovery.

In asserting these affirmative defenses, Anda does not assume the burden to establish any fact or proposition where that burden is properly imposed on Plaintiffs. The affirmative defenses that follow are pled in the alternative and none should be construed as an admission of liability by Anda or that Plaintiffs are entitled to relief.

**First Affirmative Defense**

The FAC fails to state a claim upon which relief can be granted.

**Second Affirmative Defense**

This Court lacks subject matter jurisdiction over all or some of the claims asserted by Plaintiffs.

**Third Affirmative Defense**

Some or all of Plaintiffs' claims are preempted by federal law, insofar as they conflict with Congress' purposes and objectives in enacting relevant federal legislation and authorizing regulations.

**Fourth Affirmative Defense**

The Court lacks subject matter jurisdiction based because of Plaintiffs' failure to exhaust administrative remedies.

**Fifth Affirmative Defense**

Plaintiffs' claims are barred, in whole or in part, by the political question and separation of powers doctrines.

**Sixth Affirmative Defense**

Plaintiffs lack standing to assert all or some of their claims in this lawsuit.

**Seventh Affirmative Defense**

Plaintiffs have failed to plead that any specific prescription for an opioid written and dispensed in the relevant jurisdictions, and which Plaintiffs claim caused them harm, was distributed into the relevant jurisdictions by Anda.

**Eighth Affirmative Defense**

Plaintiffs' claims are barred, in whole or in part, because the harm alleged was proximately caused by the negligence, gross negligence, or criminal, and/or intentional and malicious acts of intervening third parties not under the control of Anda.

**Ninth Affirmative Defense**

Plaintiffs' claims are barred, in whole or in part, by contributory negligence.

**Tenth Affirmative Defense**

Plaintiffs' claims are barred because Plaintiffs failed to join one or more indispensable parties, including but not limited to the DEA, and healthcare providers, prescribers, patients, and other third parties whom Plaintiffs allege engaged in the prescription, dispensing, diversion or use of the opioids at issue.

**Eleventh Affirmative Defense**

Plaintiffs' claims against Anda are barred, in whole or in part, because they have suffered no damages as a result of the matters alleged in the FAC.

**Twelfth Affirmative Defense**

Recovery from Anda is barred, in whole or in part, by the free public services doctrine.

**Thirteenth Affirmative Defense**

Plaintiffs' claims against Anda are barred because Anda has complied with all applicable federal, state and local statutes, regulations and rules related to the distribution of opioids.

**Fourteenth Affirmative Defense**

Plaintiffs' claims against Anda are barred, in whole or in part, by the applicable statutes of limitations and repose.

**Fifteenth Affirmative Defense**

Plaintiffs' claims against Anda are barred, in whole or in part, by the doctrines of laches, estoppel, and waiver.

**Sixteenth Affirmative Defense**

Plaintiffs' claims are barred, in whole or in part, because they violate the *Ex Post Facto* clauses of Article I of the United States Constitution, insofar as Plaintiffs seek to impose liability retroactively for conduct that was not actionable at the time it occurred.

**Seventeenth Affirmative Defense**

Any and all of the injuries or damages suffered by Plaintiffs resulted solely from conduct and/or conditions for which Anda is not responsible and for which it cannot be held liable.

**Eighteenth Affirmative Defense**

Any and all of the injuries or damages allegedly suffered by Plaintiffs resulted solely from the acts of others for whom Anda may not be held liable.

**Nineteenth Affirmative Defense**

Plaintiffs' claims against Anda are misjoined with Plaintiffs' claims against other defendants and must be severed.

**Twentieth Affirmative Defense**

Plaintiffs' claims are barred, in whole or in part, by Plaintiffs' failure to mitigate damages.

**Twenty-first Affirmative Defense**

Plaintiffs' claims are barred, in whole or in part, because the claims are speculative and remote; and because of the impossibility of ascertaining and allocating the alleged damages.

**Twenty-second Affirmative Defense**

To the extent that Plaintiffs seek equitable relief against Anda, Plaintiffs are not entitled to such relief because Plaintiffs have an adequate remedy at law.

**Twenty-third Affirmative Defense**

Plaintiffs' claims for unjust enrichment are barred because Anda has not accepted or retained any benefits under circumstances where it would be inequitable for Anda to do so.

**Twenty-fourth Affirmative Defense**

Plaintiffs' claims for unjust enrichment are barred because Plaintiffs have no authority to bring such claims on behalf of itself or the citizens of its respective jurisdiction.

**Twenty-fifth Affirmative Defense**

Plaintiffs' claims for unjust enrichment are barred because Plaintiffs did not pay Anda any of the amounts sought.

**Twenty-sixth Affirmative Defense**

Plaintiffs have not suffered, and will not suffer, any injury to a legally protected or cognizable interest by reason of Anda's conduct as alleged in the FAC.

**Twenty-seventh Affirmative Defense**

Plaintiffs lack capacity to bring their claims.

**Twenty-eighth Affirmative Defense**

Plaintiffs' claims for injunctive relief are barred because they are punitive in nature.

**Twenty-ninth Affirmative Defense**

Plaintiffs' claims are barred, in whole or in part, by the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution because substantive due process forbids the retroactive imposition of changing and unclear legal interpretations of the Controlled Substances Act.

**Thirtieth Affirmative Defense**

Plaintiffs' claims are barred, in whole or in part, because Anda is specifically licensed by the DEA and each of the fifty (50) states to distribute the controlled substances referred to in the FAC to certain licensed purchasers within the respective jurisdiction.

**Thirty-first Affirmative Defense**

Plaintiffs' commencement and prosecution of this action is arbitrary and capricious, and its claims are contrary to the Controlled Substances Act and rules and regulations promulgated pursuant to that Act.

**Thirty-second Affirmative Defense**

Plaintiffs lack authority to bring their claims under the Controlled Substances Act.

**Thirty-third Affirmative Defense**

Plaintiffs lack authority to bring their claims because Plaintiffs are not authorized to pursue common law claims on behalf of residents or citizens of their respective jurisdictions.

**Thirty-fourth Affirmative Defense**

The FAC fails to state a claim against Anda because Plaintiffs cannot establish a right common to the general public with which Anda unreasonably interfered.

**Thirty-fifth Affirmative Defense**

Anda adopts by reference all defenses asserted in any party's motion to dismiss filed in this MDL.

### **Thirty-sixth Affirmative Defense**

An award of punitive damages would be in violation of Anda's rights to procedural due process under the Fourteenth Amendment of the United States Constitution.

### **Thirty-seventh Affirmative Defense**

To the extent Plaintiffs purport to assert a claim for punitive damages against Anda by virtue of the matters set forth in the FAC, Plaintiffs are not entitled to any punitive damages because the alleged conduct of Anda cannot be determined in any manner to have been in willful, wanton or reckless disregard of the rights of Plaintiffs.

### **Thirty-eighth Affirmative Defense**

An award of punitive damages would violate Anda's right to protection from excessive fines as provided in the Eighth Amendment of the United States Constitution and violate Anda's rights to substantive due process as provided in the Fifth and Fourteenth Amendments of the United States Constitution.

### **Thirty-ninth Affirmative Defense**

To the extent Plaintiffs assert a claim for punitive damages against Anda, punitive damages may not be assessed against any Defendant for the conduct of another Defendant or entity.

### **Fortieth Affirmative Defense**

Plaintiffs' claim for punitive damages violates, and is therefore barred by, the provisions of the Constitution of the United States upon the following grounds:

- a. It is a violation of the due process and equal protection clauses to impose punitive damages against a civil defendant upon the Plaintiffs' satisfaction of a burden of proof less than the burden of proof that is required in criminal cases.
- b. The procedures under which punitive damages may be awarded fail to provide a reasonable or substantive limit on the amount of the award which may be levied against Anda.

- c. The procedures under which punitive damages may be awarded fail to provide specific standards for the amount of the award against Anda.
- d. The procedures under which punitive damages may be awarded result in the imposition of differing penalties for the same or similar acts.
- e. The procedures under which punitive damages may be awarded permit the imposition of such damages in excess of the maximum possible criminal fines for the same or similar acts.

**Forty-first Affirmative Defense**

Anda affirmatively states that it maintains thorough procedures for shipping prescription medications into the relevant jurisdiction.

**Forty-second Affirmative Defense**

Plaintiffs' claims are barred by the doctrine of primary jurisdiction.

**Forty-third Affirmative Defense**

Anda's rights under the Due Process Clause of the U.S. Constitution are violated by any financial or other arrangement that might distort a government attorney's duty to pursue justice rather than his or her personal interests, financial or otherwise, in the context of a civil enforcement proceeding. *See, e.g., Marshall v. Jerrico, Inc.*, 446 U.S. 238 (1980).

**Forty-fourth Affirmative Defense**

Plaintiffs' claims are barred by the learned intermediary doctrine.

**Forty-fifth Affirmative Defense**

To the extent Plaintiffs are alleging fraud, fraudulent concealment, or similar conduct, Plaintiffs have failed to plead the allegations with sufficient particularity as required by Federal Rule of Civil Procedure 9(b).

**Forty-sixth Affirmative Defense**

Plaintiffs fail to plead any actionable misrepresentation or omission made by or attributable to Anda.

**Forty-seventh Affirmative Defense**

Plaintiffs are precluded from recovering against Anda pursuant to applicable law following section 402A of the Restatement (Second) of Torts.

**Forty-eighth Affirmative Defense**

Plaintiffs' recovery is barred under Section 6(c) of the Restatement of Torts (Third).

**Forty-ninth Affirmative Defense**

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs have no private right of action under the relevant laws and regulations.

**Fiftieth Affirmative Defense**

Anda did not owe or breach any statutory or common-law duty to Plaintiffs.

**Fifty-first Affirmative Defense**

Plaintiffs' claims and damages are barred or limited, in whole or in part, by common law, statutory, and state constitutional constraints on the exercise of police powers by a municipality.

**Fifty-second Affirmative Defense**

Plaintiffs are barred from recovery by application of the informed consent doctrine.

**Fifty-third Affirmative Defense**

Plaintiffs' claims are barred to the extent they are based on alleged violations of industry customs because purported industry customs do not impose legal duties on Anda.

**Fifty-fourth Affirmative Defense**

Plaintiffs' claims are barred by the assumption of risk doctrine.

**Fifty-fifth Affirmative Defense**

Plaintiffs' claims are barred in whole or in part, or are subject to other limitations, by the applicable Oklahoma statute concerning products liability actions, 76 Okla. Stat., § 57.2.

**Fifty-sixth Affirmative Defense**

Plaintiffs lack the statutory authority to bring a nuisance claim under Oklahoma law.

**Fifty-seventh Affirmative Defense**

Plaintiffs' claim for public nuisance is barred or limited because Anda's conduct, as alleged in the FAC, did not involve interference with real property.

**Fifty-eighth Affirmative Defense**

Plaintiffs' claim for public nuisance is barred or limited because illegal conduct by third parties involve the use of an otherwise legal product does not involve a public right upon which to base a claim for public nuisance.

**Fifty-ninth Affirmative Defense**

Anda is not liable for any statements made by any other Defendant.

**Sixtieth Affirmative Defense**

Plaintiffs' claims are barred to the extent that opioid products at issue were misused, modified, altered or changed from the condition in which they were sold, which misuse, modification, alteration or change caused or contributed to Plaintiffs' alleged injuries or damages.

**Sixty-first Affirmative Defense**

Anda is not liable for any injuries or expenses allegedly incurred by Plaintiffs to the extent the injuries or expenses as alleged may have resulted from the pre-existing and/or unrelated medical conditions of the users of the opioid products at issue.

**Sixty-second Affirmative Defense**

Any injuries and/or damages sustained by Plaintiffs were caused, in whole or in part, by their own failure to effectively enforce the law and prosecute violations thereof and any recovery by Plaintiffs is barred or, alternatively, should be diminished according to their own fault.

### **Sixty-third Affirmative Defense**

Plaintiffs may not recover against Anda because the methods, standards, or techniques for distributing opioid products complied with and were in conformity with the generally recognized state of the art at the time the product was distributed.

### **Sixty-fourth Affirmative Defense**

To the extent that Plaintiffs rely on letters or other informal guidance from the DEA to establish Anda's regulatory duties, such informal guidance cannot enlarge Anda's regulatory duties in the absence of compliance by DEA with the requirements of the Administrative Procedures Act, 5 U.S.C. § 551 *et seq.*

### **Sixty-fifth Affirmative Defense**

Plaintiffs' claims are barred, in whole or in part, by the economic loss doctrine.

### **Sixty-sixth Affirmative Defense**

Plaintiffs' claims against Anda are barred, in whole or in part, to the extent they rely, explicitly or implicitly, on a theory of market-share liability.

### **Sixty-seventh Affirmative Defense**

Plaintiffs' claims against Anda are barred, reduced and/or limited pursuant to the applicable Oklahoma statutory and common laws regarding limitations of awards, caps on recovery and setoffs.

### **Sixty-eighth Affirmative Defense**

Should Anda be held liable to Plaintiffs, which liability is specifically denied, Anda would we be entitled to a credit or set-off for all sums of money received or available from or on behalf of any tortfeasor(s) for the same injuries alleged in the FAC.

**Sixty-ninth Affirmative Defense**

Plaintiffs' claims are barred and/or reduced by contributory or comparative negligence and contributory or comparative fault.

**Seventieth Affirmative Defense**

Should Anda be held liable to Plaintiffs, which liability is specifically denied, Anda will request apportionment of fault pursuant to Okla. Stat. Tit. 12, § 832 of all parties who may be jointly and severally liable for all or part of Plaintiffs' alleged injuries, losses or damages.

**Seventy-first Affirmative Defense**

Any punitive damages to which Plaintiffs may be entitled to recover from Anda (which Anda specifically denies) are capped pursuant to 23 Okla. Stat. Ann. § 9.1.

**Seventy-second Affirmative Defense**

Plaintiffs' claims are barred in whole or in part by the Dormant Commerce Clause of the United States Constitution.

**Seventy-third Affirmative Defense**

Anda is entitled to, and claims the benefit of, all defenses and presumptions set forth in or arising from any rule of law or statute of this State or any other state whose substantive law might control the action.

**Seventy-fourth Affirmative Defense**

Plaintiffs' claims are subject to all defenses that could be asserted if Plaintiffs' claims were properly made by individuals on whose behalf or for whose alleged damages Plaintiffs seek to recover.

**Seventy-fifth Affirmative Defense**

Anda adopts by reference any additional applicable defense pled by any other Defendants not otherwise pled herein. Anda hereby gives notice that it intends to rely upon any other and additional defense that is now or may become available or appear during or as a result of the discovery proceedings in this action and hereby reserves its right to amend its answer to assert such defense.

WHEREFORE, Anda denies that Plaintiffs are entitled to any relief whatsoever. Anda further requests that this Court enter judgment in Anda's favor and against Plaintiffs as follows:

- a. That Plaintiffs take nothing by reason of their First Amended Complaint and that judgment be rendered in favor of Anda;
- b. For such other relief as this Court deems just and proper.

**JURY DEMAND**

Anda hereby demands trial by jury as to all issues so triable.

Dated: July 26, 2019

Respectfully submitted,

*/s/ James W. Matthews*  
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*Counsel for Defendant Anda, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of July 2019, the foregoing was served on all counsel of record via the Court's electronic filing system.

/s/ James W. Matthews  
James W. Matthews